

AMENDED IN ASSEMBLY JULY 5, 2001  
AMENDED IN ASSEMBLY JUNE 25, 2001  
AMENDED IN ASSEMBLY JUNE 18, 2001  
AMENDED IN ASSEMBLY JUNE 6, 2001  
AMENDED IN SENATE MARCH 8, 2001  
AMENDED IN SENATE FEBRUARY 21, 2001

**SENATE BILL**

**No. 26**

**Introduced by Senator Figueroa**

December 4, 2000

---

---

An act to amend Sections 101, 1601, 1616.5, 3750.51, 6704.1, 7011, 7092, and 8027 of, to add Sections 1601.1, 1616.6, 1620.1, 8011, and 8027.5 to, to add and repeal Section 1601.3 of, and to repeal and add Section 2475 of, the Business and Professions Code, relating to professions and vocations, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 26, as amended, Figueroa. Professions and vocations.

(1) Existing law provides for the Department of Consumer Affairs to regulate certain professional boards.

This bill would make additions, corrections, and deletions to the list of boards regulated by the department.

This bill would also revise licensing requirements relative to the practice of podiatric medicine.

(2) Existing law requires an accusation filed against a licensed respiratory care practitioner to be filed within a specified time period, except under certain conditions.

This bill would provide for an extension of the time period to file the accusation if material evidence relevant to the determination of the accusation is unavailable due to a criminal investigation.

(3) Existing law requires the Department of Consumer Affairs to conduct a review of specific engineering branch titles and to report its findings and recommendations to the Legislature by September 1, 2001.

This bill would instead require the department to report to the Legislature by September 1, 2002.

(4) Existing law requiring the Contractors' State License Board to appoint a registrar of contractors becomes inoperative on July 1, 2001, and is repealed on January 1, 2002.

This bill would instead provide that the requirement becomes inoperative on July 1, 2003, and is repealed on January 1, 2004.

(5) Existing law imposes various requirements on court reporting schools, including, among other things, requiring the filing of a current school catalog with the Court Reporters Board of California.

This bill would prohibit a school from requiring more than one 10-minute qualifying examination for a student to be eligible to sit for the examination to be certified as a court reporter. The bill would require the board to implement various regulatory requirements by December 1, 2001. The bill would authorize the board to issue administrative citations or assess fines for the violation of the board's rules and regulations and would make an appropriation by increasing revenues deposited into the Court Reporters Fund which is a continuously appropriated fund.

(6) The Osteopathic Act, an initiative measure approved by the electors on June 2, 1913, provides for the regulation and licensing of osteopathic physicians and surgeons in this state by the Osteopathic Medical Board of California.

This bill would transfer, effective July 1, 2002, or earlier, as specified, the support of the board's budget, accounting, and personnel functions to the Department of Consumer Affairs.

(7) Existing law, the Dental Practice Act, establishes the Dental Board of California within the Department of Consumer Affairs for the purpose of licensing and regulating dental professionals and dental auxiliaries and authorizes the board to appoint an executive officer who



exercises and performs specified powers and duties. Under existing law, the provisions creating the board and authorizing the appointment of its executive officer become inoperative on July 1, 2002, and are repealed on January 1, 2003, unless a later enacted statute that becomes effective on or before January 1, 2003, deletes or extends these inoperative and repeal dates. All funds received by the State Treasury under the authority of the Dental Practice Act are placed into the State Dentistry Fund, which is continuously appropriated.

This bill would express the Legislature's findings and declarations that the present board has failed to administer and implement the act's provisions in an effective, efficient, and timely manner. The bill would repeal the provisions creating the board and providing for appointment of its executive officer effective January 1, 2002, and would add provisions, operative that date, reconstituting the board and providing for the appointment of its executive officer.

The bill would provide that no funds are appropriated from the State Dentistry Fund for use by the board, its members, or executive officer for any purpose for the period beginning on ~~July 1, 2001, or the bill's enactment date, whichever first occurs,~~ and ending on December 31, 2001. The bill would ~~make an appropriation in an unspecified amount from the fund~~ *authorize the Controller to transfer funds from a specified appropriation in the Budget Act of 2001 to the department to perform the board's and its executive officer's duties, as specified, during that period until January 1, 2002.*

The bill would also require the department, in conjunction with the board and the Joint Legislative Sunset Review Committee, to review the scope of practice of dental auxiliaries and would require the department to report to the Legislature by September 1, 2002. The bill would require the Director of Consumer Affairs to appoint a dental board enforcement program monitor by March 31, 2002, whose duties would include the monitoring and evaluation of the dental disciplinary system. The bill would require the monitor to report his or her findings to the department and to the Legislature, and would require the board to pay for the costs of the monitor.

Because the bill would result in the payment of the costs associated with the employment of the enforcement program monitor from the State Dentistry Fund, the bill would authorize the use of money from a continuously appropriated fund for a new purpose and thereby make an appropriation.



(8) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 101 of the Business and Professions  
2 Code is amended to read:  
3 101. The department is comprised of:  
4 (a) The Dental Board of California.  
5 (b) The Medical Board of California.  
6 (c) The State Board of Optometry.  
7 (d) The California State Board of Pharmacy.  
8 (e) The Veterinary Medical Board.  
9 (f) The California Board of Accountancy.  
10 (g) The California Architects Board.  
11 (h) The Bureau of Barbering and Cosmetology.  
12 (i) The Board for Professional Engineers and Land Surveyors.  
13 (j) The Contractors' State License Board.  
14 (k) The Bureau for Private Postsecondary and Vocational  
15 Education.  
16 (l) The Structural Pest Control Board.  
17 (m) The Bureau of Home Furnishings and Thermal Insulation.  
18 (n) The Board of Registered Nursing.  
19 (o) The Board of Behavioral Sciences.  
20 (p) The State Athletic Commission.  
21 (q) The Cemetery and Funeral Bureau.  
22 (r) The State Board of Guide Dogs for the Blind.  
23 (s) The Bureau of Security and Investigative Services.  
24 (t) The Court Reporters Board of California.  
25 (u) The Board of Vocational Nursing and Psychiatric  
26 Technicians.  
27 (v) The Landscape Architects Technical Committee.  
28 (w) The Bureau of Electronic and Appliance Repair.  
29 (x) The Division of Investigation.  
30 (y) The Bureau of Automotive Repair.  
31 (z) The State Board of Registration for Geologists and  
32 Geophysicists.  
33 (aa) The Respiratory Care Board of California.



- 1 (ab) The Acupuncture Board.
- 2 (ac) The Board of Psychology.
- 3 (ad) The California Board of Podiatric Medicine.
- 4 (ae) The Physical Therapy Board of California.
- 5 (af) The Arbitration Review Program.
- 6 (ag) The Committee on Dental Auxiliaries.
- 7 (ah) The Hearing Aid Dispensers Bureau.
- 8 (ai) The Physician Assistant Committee.
- 9 (aj) The Speech-Language Pathology and Audiology Board.
- 10 (ak) The California Board of Occupational Therapy.
- 11 (al) The Osteopathic Medical Board of California.
- 12 (am) Any other boards, offices, or officers subject to its
- 13 jurisdiction by law.

14 SEC. 2. Section 1601 of the Business and Professions Code  
15 is amended to read:

16 1601. (a) There is in the Department of Consumer Affairs the  
17 Dental Board of California in which the administration of this  
18 chapter is vested. The board consists of eight practicing dentists,  
19 one registered dental hygienist, one registered dental assistant, and  
20 four public members. The board shall be organized into standing  
21 committees dealing with examinations, enforcement, and other  
22 subjects as the board deems appropriate.

23 This section shall remain in effect only until January 1, 2002,  
24 and as of that date is repealed, unless a later enacted statute, that  
25 is enacted before January 1, 2002, deletes or extends that date. The  
26 repeal of this section renders the board subject to the review  
27 required by Division 1.2 (commencing with Section 473).

28 (b) For purposes of this chapter, any reference in this chapter  
29 to the Board of Dental Examiners shall be deemed to refer to the  
30 Dental Board of California.

31 SEC. 3. Section 1601.1 is added to the Business and  
32 Professions Code, to read:

33 1601.1. (a) There shall be in the Department of Consumer  
34 Affairs the Dental Board of California in which the administration  
35 of this chapter is vested. The board shall consist of eight practicing  
36 dentists, one registered dental hygienist, one registered dental  
37 assistant, and four public members. The appointing powers,  
38 described in Section 1603, may appoint to the board a person who  
39 was a member of the prior board. The board shall be organized into

1 standing committees dealing with examinations, enforcement, and  
2 other subjects as the board deems appropriate.

3 (b) For purposes of this chapter, any reference in this chapter  
4 to the Board of Dental Examiners shall be deemed to refer to the  
5 Dental Board of California.

6 (c) The board shall have all authority previously vested in the  
7 existing board under this chapter. The board may enforce all  
8 disciplinary actions undertaken by the previous board.

9 (d) This section shall become operative on January 1, 2002.

10 (e) This section shall become inoperative on July 1, 2005, and,  
11 as of January 1, 2006, is repealed, unless a later enacted statute that  
12 is enacted before January 1, 2006, deletes or extends the dates on  
13 which it becomes inoperative and is repealed. The repeal of this  
14 section renders the board subject to the review required by  
15 Division 1.2 (commencing with Section 473).

16 SEC. 4. Section 1601.3 is added to the Business and  
17 Professions Code, to read:

18 1601.3. (a) (1) The Director of Consumer Affairs shall  
19 appoint a dental board enforcement program monitor no later than  
20 March 31, 2002. The director may retain a person for this position  
21 by a personal services contract, the Legislature hereby finding,  
22 pursuant to Section 19130 of the Government Code, that this is a  
23 new state function.

24 (2) The director shall supervise the enforcement program  
25 monitor and may terminate or dismiss him or her from this  
26 position.

27 (b) (1) The enforcement program monitor shall monitor and  
28 evaluate the dental disciplinary system and procedures, with  
29 specific concentration on improving the overall efficiency of the  
30 enforcement program. The director shall specify further duties of  
31 the program monitor.

32 (2) The monitoring duty shall be on a continuing basis for a  
33 period of no more than two years from the date of the enforcement  
34 program monitor's appointment and shall include, but not be  
35 limited to, improving the quality and consistency of complaint  
36 processing and investigation and reducing the timeperiods for  
37 each, reducing any complaint backlog, assuring consistency in the  
38 application of sanctions or discipline imposed on licensees, and  
39 shall include the following areas: the accurate and consistent  
40 implementation of the laws and rules affecting discipline, staff

1 concerns regarding disciplinary matters or procedures,  
2 appropriate utilization of licensed professionals to investigate  
3 complaints, the board's cooperation with other governmental  
4 entities charged with enforcing related laws and regulations  
5 regarding dentists.

6 (3) The enforcement program monitor shall exercise no  
7 authority over the board's discipline operations or staff. However,  
8 the board and its staff shall cooperate with him or her, and the  
9 board shall provide data, information, and case files as requested  
10 by the enforcement program monitor to perform all of his or her  
11 duties.

12 (4) The director shall assist the enforcement program monitor  
13 in the performance of his or her duties, and the enforcement  
14 program monitor shall have the same investigative authority as the  
15 director.

16 (c) The enforcement program monitor shall submit an initial  
17 written report of his or her findings and conclusions to the board,  
18 the department, and the Legislature no later than September 1,  
19 2002, and every six months thereafter, and be available to make  
20 oral reports to each, if requested to do so. The enforcement  
21 program monitor may also provide additional information to  
22 either the department or the Legislature at his or her discretion or  
23 at the request of either the department or the Legislature. The  
24 enforcement program monitor shall make his or her reports  
25 available to the public or the media. The enforcement program  
26 monitor shall make every effort to provide the board with an  
27 opportunity to reply to any facts, findings, issues, or conclusions  
28 in his or her reports with which the board may disagree.

29 (d) The board shall pay for all of the costs associated with the  
30 employment of an enforcement program monitor.

31 (e) This section shall become inoperative on March 31, 2004,  
32 and as of January 1, 2005, is repealed, unless a later enacted statute,  
33 that is enacted before January 1, 2005, deletes or extends the dates  
34 on which it becomes inoperative and is repealed.

35 SEC. 5. Section 1616.5 of the Business and Professions Code  
36 is amended to read:

37 1616.5. The board may appoint a person exempt from civil  
38 service who shall be designated as an executive officer and who  
39 shall exercise the powers and perform the duties delegated by the  
40 board and vested in him or her by this chapter.



1 This section shall remain in effect only until January 1, 2002,  
2 and as of that date is repealed, unless a later enacted statute, that  
3 is enacted before January 1, 2002, deletes or extends that date.

4 SEC. 6. Section 1616.6 is added to the Business and  
5 Professions Code, to read:

6 1616.6. (a) The board, by and with the approval of the  
7 director, may appoint a person exempt from civil service who shall  
8 be designated as an executive officer and who shall exercise the  
9 powers and perform the duties delegated by the board and vested  
10 in him or her by this chapter.

11 (b) This section shall become operative on January 1, 2002.

12 (c) This section shall become inoperative on July 1, 2005, and,  
13 as of January 1, 2006, is repealed, unless a later enacted statute that  
14 is enacted before January 1, 2006, deletes or extends the dates on  
15 which it becomes inoperative and is repealed.

16 SEC. 7. Section 1620.1 is added to the Business and  
17 Professions Code, to read:

18 1620.1. The Department of Consumer Affairs, in conjunction  
19 with the board and the Joint Legislative Sunset Review  
20 Committee, shall review the scope of practice for dental  
21 auxiliaries. The department shall employ the services of an  
22 independent consultant to perform this comprehensive analysis.  
23 The department shall be authorized to enter into an interagency  
24 agreement or be exempted from obtaining sole source approval for  
25 a sole source contract. The board shall pay for all of the costs  
26 associated with this comprehensive analysis. The department shall  
27 report its findings and recommendations to the Legislature by  
28 September 1, 2002.

29 SEC. 8. Section 2475 of the Business and Professions Code,  
30 as amended by Section 27 of Chapter 655 of the Statutes of 1999,  
31 is repealed.

32 SEC. 9. Section 2475 is added to the Business and Professions  
33 Code, to read:

34 2475. Unless otherwise provided by law, no postgraduate  
35 trainee, intern, resident postdoctoral fellow, or instructor may  
36 engage in the practice of podiatric medicine, or receive  
37 compensation therefor, or offer to engage in the practice of  
38 podiatric medicine unless he or she holds a valid, unrevoked, and  
39 unsuspended certificate to practice podiatric medicine issued by  
40 the division. However, a graduate of an approved college or school



1 of podiatric medicine upon whom the degree doctor of podiatric  
2 medicine has been conferred, who is issued a limited license,  
3 which may be renewed annually for up to four years for this  
4 purpose by the division upon recommendation of the board, and  
5 who is enrolled in a postgraduate training program approved by the  
6 board, may engage in the practice of podiatric medicine whenever  
7 and wherever required as a part of that program under the  
8 following conditions:

9 (a) A graduate with a limited license in an approved internship,  
10 residency, or fellowship program may participate in training  
11 rotations outside the scope of podiatric medicine, under the  
12 supervision of a physician and surgeon who holds a medical doctor  
13 or doctor of osteopathy degree wherever and whenever required  
14 as a part of the training program, and may receive compensation  
15 for that practice. If the graduate fails to receive a license to practice  
16 podiatric medicine under this chapter within two years from the  
17 commencement of the postgraduate training, all privileges and  
18 exemptions under this section shall automatically cease.

19 (b) Podiatric hospitals functioning as a part of the teaching  
20 program of an approved college or school of podiatric medicine in  
21 this state may exchange instructors or resident or assistant resident  
22 podiatrists with another approved college or school of podiatric  
23 medicine not located in this state, or those hospitals may appoint  
24 a graduate of an approved school as such a resident for purposes  
25 of postgraduate training. Those instructors and residents may  
26 practice and be compensated as provided in subdivision (a), but  
27 that practice and compensation shall be for a period not to exceed  
28 one year.

29 SEC. 10. Section 3750.51 of the Business and Professions  
30 Code is amended to read:

31 3750.51. (a) Except as provided in subdivisions (b) and (c),  
32 any accusation filed against a licensee pursuant to Section 11503  
33 of the Government Code shall be filed within three years from the  
34 date the board discovers the alleged act or omission that is the basis  
35 for disciplinary action, or within seven years from the date the  
36 alleged act or omission that is the basis for disciplinary action  
37 occurred, whichever occurs first.

38 (b) An accusation filed against a licensee pursuant to Section  
39 11503 of the Government Code alleging the procurement of a

1 license by fraud or misrepresentation is not subject to the  
2 limitations set forth in subdivision (a).

3 (c) The limitation provided for by subdivision (a) shall be  
4 tolled for the length of time required to obtain compliance when  
5 a report required to be filed by the licensee or registrant with the  
6 board pursuant to Article 11 (commencing with Section 800) of  
7 Chapter 1 is not filed in a timely fashion.

8 (d) If an alleged act or omission involves a minor, the  
9 seven-year limitations period provided for by subdivision (a) shall  
10 be tolled until the minor reaches the age of majority.

11 (e) The limitation provided by subdivision (a) shall be tolled  
12 during any period if material evidence necessary for prosecuting  
13 or determining whether a disciplinary action would be appropriate  
14 is unavailable to the board due to an ongoing criminal  
15 investigation.

16 SEC. 11. Section 6704.1 of the Business and Professions  
17 Code is amended to read:

18 6704.1. (a) The Department of Consumer Affairs, in  
19 conjunction with the board, and the Joint Legislative Sunset  
20 Review Committee shall review the engineering branch titles  
21 specified in Section 6732 to determine whether certain title acts  
22 should be eliminated from this chapter, retained, or converted to  
23 practice acts similar to civil, electrical, and mechanical  
24 engineering, and whether supplemental engineering work should  
25 be permitted for all branches of engineering. The department shall  
26 contract with an independent consulting firm to perform this  
27 comprehensive analysis of title act registration.

28 (b) The independent consultant shall perform, but not be  
29 limited to, the following: (1) meet with representatives of each of  
30 the engineering branches and other professional groups; (2)  
31 examine the type of services and work provided by engineers in all  
32 branches of engineering and interrelated professions within the  
33 marketplace, to determine the interrelationship that exists between  
34 the various branches of engineers and other interrelated  
35 professions; (3) review and analyze educational requirements of  
36 engineers; (4) identify the degree to which supplemental or  
37 “overlapping” work between engineering branches and  
38 interrelated professions occurs; (5) review alternative methods of  
39 regulation of engineers in other states and what impact the  
40 regulations would have if adopted in California; (6) identify the



manner in which local and state agencies utilize regulations and statutes to regulate engineering work; and, (7) recommend changes to existing laws regulating engineers after considering how these changes may effect the health, safety, and welfare of the public.

(c) The board shall reimburse the department for costs associated with this comprehensive analysis. The department shall report its findings and recommendations to the Legislature by September 1, 2002.

SEC. 12. Section 7011 of the Business and Professions Code is amended to read:

7011. The board by and with the approval of the director shall appoint a registrar of contractors and fix his or her compensation.

The registrar shall be the executive officer and secretary of the board and shall carry out all of the administrative duties as provided in this chapter and as delegated to him or her by the board.

For the purpose of administration of this chapter, there may be appointed a deputy registrar, a chief reviewing and hearing officer and, subject to Section 159.5, other assistants and subordinates as may be necessary.

Appointments shall be made in accordance with the provisions of civil service laws.

This section shall become inoperative on July 1, 2003, and, as of January 1, 2004, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2004, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 13. Section 7092 of the Business and Professions Code is amended to read:

7092. (a) (1) The director shall appoint a Contractors' State License Board Enforcement Program Monitor no later than January 31, 2001. The director may retain a person for this position by a personal services contract, the Legislature finding, pursuant to Section 19130 of the Government Code, that this is a new state function.

(2) The director shall supervise the enforcement program monitor and may terminate or dismiss him or her from this position.

(b) The director shall advertise the availability of this position. The requirements for this position include experience in

1 conducting investigations and familiarity with state laws, rules,  
2 and procedures pertaining to the board and familiarity with  
3 relevant administrative procedures.

4 (c) (1) The enforcement program monitor shall monitor and  
5 evaluate the Contractors' State License Board disciplinary system  
6 and procedures, making as his or her highest priority the reform  
7 and reengineering of the board's enforcement program and  
8 operations, and the improvement of the overall efficiency of the  
9 board's disciplinary system.

10 (2) This monitoring duty shall be on a continuing basis for a  
11 period of no more than two years from the date of the enforcement  
12 program monitor's appointment and shall include, but not be  
13 limited to, improving the quality and consistency of complaint  
14 processing and investigation and reducing the timeframes for  
15 each, reducing any complaint backlog, assuring consistency in the  
16 application of sanctions or discipline imposed on licensees, and  
17 shall include the following areas: the accurate and consistent  
18 implementation of the laws and rules affecting discipline, staff  
19 concerns regarding disciplinary matters or procedures,  
20 appropriate utilization of licensed professionals to investigate  
21 complaints, the board's cooperation with other governmental  
22 entities charged with enforcing related laws and regulations  
23 regarding contractors.

24 (3) The enforcement program monitor shall exercise no  
25 authority over the board's discipline operations or staff; however,  
26 the board and its staff shall cooperate with him or her, and the  
27 board shall provide data, information, and case files as requested  
28 by the enforcement program monitor to perform all of his or her  
29 duties.

30 (4) The director shall assist the enforcement program monitor  
31 in the performance of his or her duties, and the enforcement  
32 program monitor shall have the same investigative authority as the  
33 director.

34 (d) The enforcement program monitor shall submit an initial  
35 written report of his or her findings and conclusions to the board,  
36 the department, and the Legislature no later than October 1, 2001,  
37 and every six months thereafter, and be available to make oral  
38 reports to each, if requested to do so. The enforcement program  
39 monitor may also provide additional information to either the  
40 department or the Legislature at his or her discretion or at the



1 request of either the department or the Legislature. The  
2 enforcement program monitor shall make his or her reports  
3 available to the public or the media. The enforcement program  
4 monitor shall make every effort to provide the board with an  
5 opportunity to reply to any facts, findings, issues, or conclusions  
6 in his or her reports with which the board may disagree.

7 (e) The board shall reimburse the department for all of the costs  
8 associated with the employment of an enforcement program  
9 monitor.

10 (f) This section shall remain in effect only until January 31,  
11 2003, and as of that date is repealed, unless a later enacted statute,  
12 that is enacted before January 31, 2003, deletes or extends that  
13 date.

14 SEC. 14. Section 8011 is added to the Business and  
15 Professions Code, to read:

16 8011. The board shall promulgate, by regulation, a definition  
17 of a “full-time student” for the purposes of this chapter.

18 SEC. 15. Section 8027 of the Business and Professions Code  
19 is amended to read:

20 8027. (a) As used in this section, “school” means a court  
21 reporter training program or an institution that provides a course  
22 of instruction approved by the board, and is approved by the  
23 ~~Council~~ Bureau for Private Postsecondary and Vocational  
24 Education, is a public school in this state, or is accredited by the  
25 Western Association of Schools and Colleges.

26 (b) A court reporting school shall be primarily organized to  
27 train students for the practice of shorthand reporting, as defined in  
28 Sections 8016 and 8017. Its educational program shall be on the  
29 postsecondary or collegiate level, and shall not be a  
30 correspondence program as defined by the board. It shall be legally  
31 organized and authorized to conduct its program under all  
32 applicable laws of the state, and shall conform to and offer all  
33 components of the minimum prescribed course of study  
34 established by the board. Its records shall be kept and shall be  
35 maintained in a manner to render them safe from theft, fire, or  
36 other loss. The records shall indicate positive daily and clock-hour  
37 attendance of each student, apprenticeship and graduation reports,  
38 high school transcripts or equivalent, or self-certification of high  
39 school graduation or equivalency, transcript of other education,  
40 and student progress to date.

1 (c) Any school intending to offer a program in court reporting  
2 shall notify the board within 30 days of the date on which it  
3 provides notice to, or seeks approval from, the California  
4 Department of Education, the Council for Private Postsecondary  
5 and Vocational Education, the Chancellor's Office of the  
6 California Community Colleges, or the Western Association of  
7 Schools and Colleges, whichever is applicable. The board shall  
8 review the proposed curriculum and provide the school tentative  
9 approval, or notice of denial, within 60 days of receipt of the  
10 notice. The school shall apply for provisional recognition pursuant  
11 to subdivision (d) within no more than one year from the date it  
12 begins offering court reporting classes.

13 (d) The board may grant provisional recognition to a new court  
14 reporting school upon satisfactory evidence that it has met all of  
15 the provisions of subdivision (b) and this subdivision. Recognition  
16 may be granted by the board to a provisionally recognized school  
17 after it has been in continuous operation for a period of no less than  
18 three consecutive years from the date provisional recognition was  
19 granted, during which period the school shall provide satisfactory  
20 evidence that at least one person has successfully completed the  
21 entire course of study established by the board and complied with  
22 the provisions of Section 8020, and has been issued a certificate to  
23 practice shorthand reporting as defined in Sections 8016 and 8017.  
24 The board may, for good cause shown, extend the three-year  
25 provisional recognition period for not more than one year. Failure  
26 to meet the provisions and terms of this section shall require the  
27 board to deny recognition. Once granted, recognition may be  
28 withdrawn by the board for failure to comply with all applicable  
29 laws and regulations.

30 (e) Application for recognition of a court reporting school shall  
31 be made upon a form prescribed by the board and shall be  
32 accompanied by all evidence, statements, or documents requested.  
33 Each branch, extension center, or off-campus facility requires  
34 separate application.

35 (f) All recognized and provisionally recognized court reporting  
36 schools shall notify the board of any change in school name,  
37 address, telephone number, responsible court reporting program  
38 manager, owner of private schools, and the effective date thereof,  
39 within 30 days of the change. All of these notifications shall be  
40 made in writing.



(g) A school shall notify the board in writing immediately of the discontinuance or pending discontinuance of its court reporting program or any of the program's components. Within two years of the date this notice is sent to the board, the school shall discontinue its court reporting program in its entirety. The board may, for good cause shown, grant not more than two, one-year extensions of this period to a school. If a student is to be enrolled after this notice is sent to the board, a school shall disclose to the student the fact of the discontinuance or pending discontinuance of its court reporting program or any of its program components.

(h) The board shall maintain a roster of currently recognized and provisionally recognized court reporting schools including, but not limited to, the name, address, telephone number, and the name of the responsible court reporting program manager of each school.

(i) The board shall maintain statistics which display the number and passing percentage of all first-time examinees, including, but not limited to, those qualified by each recognized or provisionally recognized school and those first-time examinees qualified by other methods as defined in Section 8020.

(j) Inspections and investigations shall be conducted by the board as necessary to carry out this section.

(k) All recognized and provisionally recognized schools shall print in their school or course catalog the name, address, and telephone number of the board. At a minimum, the information shall be in 8-point bold type and include the following statement:

“IN ORDER FOR A PERSON TO QUALIFY FROM A SCHOOL TO TAKE THE STATE LICENSING EXAMINATION, THE PERSON SHALL COMPLETE A PROGRAM AT A RECOGNIZED SCHOOL. FOR INFORMATION CONCERNING THE MINIMUM REQUIREMENTS THAT A COURT REPORTING PROGRAM MUST MEET IN ORDER TO BE RECOGNIZED, CONTACT: THE COURT REPORTERS BOARD OF CALIFORNIA; (ADDRESS); (TELEPHONE NUMBER).”

(l) Each court reporting school shall file with the board, not later than June 30 of each year, a current school catalog which shows all course offerings and staff, and for private schools, the



owner, except that where there have been no changes to the catalog within the previous year, no catalog need be sent. In addition, each school shall also file with the board a statement certifying that the school is in compliance with all statutes and the rules and regulations of the board, signed by the responsible court reporting program manager.

(m) No school offering court reporting shall make any written or verbal claims of employment opportunities or potential earnings unless those claims are based on verified data and reflect current employment conditions.

(n) Any person teaching an academic course, that is a course other than machine shorthand or typing, in a court reporting program shall meet one of the following criteria:

(1) Possess a minimum of an Associate of Arts degree and, in addition, either a minimum of two years of experience teaching the subject being taught or at least two years' work experience in a job substantially related to the subject being taught.

(2) Possess a current license as a certified shorthand reporter and, in addition, either a minimum of two years of experience teaching the subject being taught or at least two years' work experience in a job substantially related to the subject being taught.

(3) Possess a minimum of four years' experience teaching the subject being taught or a minimum of four years' work experience in a job substantially related to the subject being taught.

(4) Possess a minimum of a Bachelor of Arts or Bachelor of Science degree in the subject being taught.

(o) The pass rate of first-time exam takers for each school offering court reporting shall meet or exceed the average pass rate of all first-time test takers for a majority of examinations given for the preceding three years. Failure to do so shall require the board to conduct a review of the program. In addition, the board may place the school on probation and may withdraw recognition if the school continues to place below the above described standard on the two exams that follow the three-year period.

(p) A school shall not require more than one 10 minute qualifying examination, as defined in the regulations of the board, for a student to be eligible to sit for the state certification examination.

1 (q) A school shall provide the board the actual number of hours  
2 of attendance for each applicant the school qualifies for the state  
3 licensing examination.

4 (r) The board shall, by December 1, 2001, do the following by  
5 regulation as necessary:

6 (1) Establish the format that shall be used by schools to report  
7 tracking of all attendance hours and actual timeframes for  
8 completed coursework.

9 (2) Require schools to provide a minimum of 10 hours of live  
10 dictation class each school week for every full-time student.

11 (3) Require schools to provide students with the opportunity to  
12 read back from their stenographic notes a minimum of one time  
13 each day to his or her instructor.

14 (4) Require schools to provide students with the opportunity to  
15 practice with a school-approved speed-building tape, or other  
16 assigned material, a minimum of one hour per day after school  
17 hours as a homework assignment and provide the notes from this  
18 tape to their instructor the following day for review.

19 (5) Develop standardization of policies on the use and  
20 administration of qualifier examinations by schools.

21 (6) Define qualifier exam as follows: The qualifier exam shall  
22 consist of 4-voice testimony of 10-minute duration at 200 wpm,  
23 graded at 97.5 percent accuracy, and in accordance with the  
24 guidelines followed by the board. Schools shall be required to date  
25 and number each qualifier and announce the date and number to  
26 the students at the time of administering the qualifier. All qualifiers  
27 shall indicate the actual dictation time of the test and the school  
28 shall catalogue and maintain the qualifier for a period of not less  
29 than three years for the purpose of inspection by the board.

30 (7) Require schools to develop a program to provide students  
31 with the opportunity to interact with professional court reporters  
32 to provide skill support, mentoring, or counseling which they can  
33 document at least quarterly.

34 (8) Define qualifications and educational requirements  
35 required of instructors and readers that read test material and  
36 qualifiers.

37 SEC. 16. Section 8027.5 is added to the Business and  
38 Professions Code, to read:

39 8027.5. In addition to the authority to conduct disciplinary  
40 proceedings under this chapter, the board, through its duly

1 authorized representatives, shall have authority to issue  
2 administrative citations or assess fines for the violation of any  
3 rules and regulations adopted by the board under the provisions of  
4 this chapter.

5 SEC. 17. The support of the budget, accounting, and  
6 personnel functions of the Osteopathic Medical Board of  
7 California shall be transferred to the Department of Consumer  
8 Affairs, effective July 1, 2002, unless the executive officer of the  
9 board and the director agree to an earlier date.

10 SEC. 18. The Legislature hereby finds and declares that the  
11 current Dental Board of California has failed to administer and  
12 implement the provisions of the Dental Practice Act in an  
13 effective, efficient, and timely manner. Therefore, the Legislature  
14 finds that it is necessary for the Department of Consumer Affairs  
15 to administer the provisions of the Dental Practice Act on an  
16 interim basis until a new Dental Board of California can be  
17 reconstituted.

18 SEC. 19. The Legislature hereby declares its intent to disburse  
19 all funds from the State Dentistry Fund to the Department of  
20 Consumer Affairs for the sole purpose of discharging the powers,  
21 duties, purpose, responsibilities, and authority vested in the Dental  
22 Board of California, its members, and executive officer, and that  
23 no funds be used from that fund or from any other source by the  
24 Dental Board of California, its members, or executive officer for  
25 any purpose for the period beginning on ~~July 1, 2001, or upon~~ the  
26 date of the enactment of this urgency measure, ~~whichever first~~  
27 ~~occurs~~, and ending on December 31, 2001. It is the intent of the  
28 Legislature to create a new Dental Board of California on January  
29 1, 2002, and subsequently provide for the appointment of an  
30 executive officer of the board.

31 SEC. 20. Notwithstanding Section 1721 of the Business and  
32 Professions Code or any other law, no funds are appropriated from  
33 the State Dentistry Fund for use by, and no funds shall be used from  
34 that fund or from any other source by, the Dental Board of  
35 California, its members, or executive officer for any purpose for  
36 the period beginning on ~~July 1, 2001, or upon~~ the date of the  
37 enactment of this urgency measure, ~~whichever first occurs~~, and  
38 ending on December 31, 2001. ~~Funds are hereby appropriated~~  
39 ~~from the State Dentistry Fund to the Department of~~ *The Controller*  
40 *is authorized to transfer the necessary amount of funds from Item*

1 1260-001-0741 of the Budget Act of 2001 (Chapter — of the  
 2 Statutes of 2001) to the Department of Consumer Affairs in an  
 3 amount that is sufficient for the purpose of performing the duties  
 4 of the Dental Board of California pursuant to the provisions of the  
 5 Dental Practice Act (Chapter 4 (commencing with Section 1600)  
 6 of Division 2 of the Business and Professions Code) and the duties  
 7 of the executive officer of the board pursuant to Section 1616.5 of  
 8 the Business and Professions Code for the period beginning on  
 9 July 1, 2001, or upon the date of the enactment of this urgency  
 10 measure, whichever first occurs, and ending on December 31,  
 11 2001. ~~The Controller is authorized to transfer the necessary~~  
 12 ~~amount of funds from Item 1260-001-0741 of the Budget Act of~~  
 13 ~~2001 (Chapter — of the Statutes of 2001) to the Department of~~  
 14 ~~Consumer Affairs for expenditure for the purposes of this act.~~

15 SEC. 21. This act is an urgency statute necessary for the  
 16 immediate preservation of the public peace, health, or safety  
 17 within the meaning of Article IV of the Constitution and shall go  
 18 into immediate effect. The facts constituting the necessity are:

19 In order to ensure that ~~all~~ funds deposited in the State Dentistry  
 20 Fund are ~~appropriated~~ *transferred* to the Department of Consumer  
 21 Affairs in an amount that is sufficient for the purposes of  
 22 performing the duties of the Dental Board of California and its  
 23 executive officer and that the provisions relating to various  
 24 licensees take effect at the earliest possible opportunity, it is  
 25 necessary that this act take effect immediately.

